

MUR # 6183

March 31, 2009

By Certified Mail - Return Receipt Requested

Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Sir/Madam:

Re: Bay City Educators Public Affairs Council/Michigan Education Association
(Committee ID: _____) and Saun Strobel, Treasurer;
MUR _____

Enclosed for filing please find the original and three (3) copies of the Complaint in the above-referenced matter.

If you have any questions, please contact me.

Sincerely,



Kyle Olson

Enclosure

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2009 APR 10 P 2:12

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BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of:

Bay City Educators Public Affairs Council/
Michigan Education Association
(Committee ID: _____)
and Saun Strobel, Treasurer

MUR _____

COMPLAINT

NOW COMES Kyle Olson, 801 W. Norton, Suite 1, Muskegon, Michigan 49441, and hereby files this Complaint pursuant to 2 U.S.C. 437g(a)(1) and 11 C.F.R. § 111.4 against the Bay City Educators Public Affairs Council/Michigan Education Association, Saun Strobel, Treasurer (hereinafter referred to as the "Respondent"), and states the following:

1. The Respondent is a separate segregated fund, registered under and operated pursuant to the Michigan Campaign Finance Act, Michigan Compiled Laws Section 169.201, et seq. The Respondent's contact information is set forth on Exhibit 1, attached.

2. Stupak for Congress (Federal Election Commission Identification No. C00270140) is registered under and operated pursuant to the Federal Election Campaign Act, 2 U.S.C. § 431, et seq.

3. According to the Federal Election Commission in Advisory Opinion 2003-29 (November 25, 2003):

Under 2 U.S.C. 431(4)(B), a separate segregated fund is a political committee regardless of the amount of contributions or expenditures it makes. Cf. 2 U.S.C. 431(4)(A) (committees, clubs, associations, or other groups of persons become political committees when they make contributions aggregating in excess of \$1,000 per calendar year or make expenditures aggregating in excess of \$1,000 per calendar year). See Advisory Opinions 1983-3, 1982-46, and 1981-6; see also Explanation and Justification for 11 CFR 102.6, 45 Fed. Reg. 15084 (Mar. 7, 1980).

4. According to the Federal Election Commission in Advisory Opinion 1982-46 (July 29, 1982):

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Under the Act, the term "political committee" is defined to include any separate segregated fund, which in this case includes TMHA-CRG [NOTE: TMHA-CRG was a separate segregated fund registered with the Texas Secretary of State - the Respondent is a separate segregated fund registered with the Michigan Secretary of State] 2 U.S.C. 431(4)(B). Moreover, a separate segregated fund becomes a political committee under the Act regardless of the total amount of contributions it makes to Federal candidates or other Federal political committees. Compare 2 U.S.C. 431(4)(A), 431(4)(C), and 431(4)(B) and see Advisory Opinion 1981-6 (copy enclosed). Thus, the making of the contribution by TMHA-CRG to the Federal political committee triggers "political committee" status for TMHA-CRG under the Act.*/ As a political committee TMHA-CRG is therefore required to register with the Commission within 10 days, and file periodic reports disclosing contributions made and received. See 2 U.S.C. 433(a) and 434(a)(4). Furthermore, the first report filed by TMHA-CRG must disclose amounts received prior to becoming a political committee, even if such amounts were not received during the current reporting period. 11 CFR 104.3(a) and 104.12.

5. On or about June 18, 2008, the Respondent made a \$500 contribution to Stupak for Congress. This \$500 contribution was reported by the Respondent (see Exhibit 2, attached), as well as by Stupak for Congress (see Exhibit 3, attached).

6. Accordingly, because the Respondent, a separate segregated fund, made a contribution to Stupak for Congress, the Respondent triggered "political committee" status pursuant to the Federal Election Campaign Act.

7. Once the Respondent triggered "political committee" pursuant to the Federal Election Campaign Act, the Respondent had ten (10) days (or by June 28, 2008) to file with the Federal Election Commission FEC Form 1 and register as a political committee. See 11 CFR § 102.1(c). Thereafter, the Respondent was required to comply with the Federal Election Campaign Act and the Federal Election Commission regulations. See, for example, Part 104 of the Federal Election Commission regulations.

8. Upon information and belief, to date, the Respondent has failed to register with the Federal Election Commission as a political committee or file any of the required campaign finance reports.

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REQUEST FOR RELIEF

Based on the foregoing, the undersigned respectfully requests that the Federal Election Commission investigate this violation and determine that the Respondent has violated the Federal Election Campaign Act and the regulations of the Federal Election Commission, as referenced above.

Further, the undersigned respectfully requests that the Federal Election Commission conduct a thorough review of the Respondent's records, and the records of Stupak for Congress, in order to determine whether the contributions made to Stupak for Congress were derived from permissible sources pursuant to the Federal Election Campaign Act.

Further, the undersigned respectfully requests that the Federal Election Commission conduct a thorough review of the Respondent's records, in order to discover further violations of the Federal Election Campaign Act and the regulations of the Federal Election Commission.

Further, the undersigned respectfully requests the Federal Election Commission to assess all appropriate penalties for said violation(s) in accordance with 2 U.S.C. 437g(a)(5)(A), or any other enforcement provisions of the Federal Election Campaign Act.

The above statements are true and accurate to the best of my knowledge, information and belief.

Respectfully submitted,

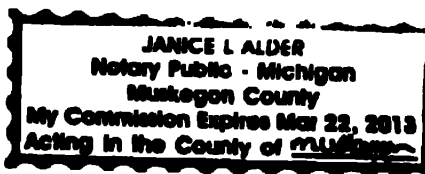
Dated: March 31, 2009

K/O/O
Kyle Olson

Subscribed and sworn before me this 3 day of ^{April}~~March~~, 2009.

Janice L. Alder
Janice L. Alder, Notary Public
Mustagon County, Michigan
Acting in Mustagon County, Michigan
My commission expires: 3-22-13

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EXHIBIT 1


[Michigan.gov Home](#)
[SOS Home](#) | [Elections in Michigan Home](#) | [Contact SOS](#)

Committee Statement of Organization

The Documents Sent & Received Listing for this committee is at the bottom of this screen.
Jump to the documents on file

Committee ID#:	001033
Type of Filing:	Original
Full Name Of Committee:	BAY CITY EDUCATORS PUBLIC AFFAIRS COUNCIL/MI EDUCATION ASSOCIATION
Committee Type:	Independent PAC
Met Independent Status:	Yes
Acronym:	
Name of Sponsor/Type:	MI EDUCATION ASSOCIATION - Labor Organization
Segregated Fund:	Yes
Date Committee Was Formed:	09/30/71
Committee Phone Number:	(517) 686-4940
Committee Mail Address	509 S EUCLID AVE BAY CITY, MI 48706
Committee Street Address:	509 S EUCLID AVE BAY CITY, MI 48706
Treasurer Name:	SAUN L STROBEL
Mailing Address:	11775 DOWNING RD BIRCH RUN, MI 48415
Phone:	(517) 686-4940
Designated Recordkeeper Name:	
Address:	
Phone:	
Reporting Waiver	No
Names and Addresses of depositories or intended depositories of committee funds	
Official Depository	CITIZENS BANK 900 W MIDLAND BAY CITY, MI 48706
Secondary Depository	
Support/Opposed	
Ballot Proposal	
Jurisdiction	

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EXHIBIT 2



**INDEPENDENT/POLITICAL
COMMITTEE COVER PAGE**

FOR OFFICIAL USE ONLY

Report must be legible, typed or printed in ink and signed by the treasurer or designated record keeper.

3. This Statement covers From: 04/21/2008 To 07/20/2008
Mo Day Year Mo Day Year

1. Committee I.D. Number

001033-0

4. Committee's Mailing Address
509 S. Euclid Avenue

Bay City MI 48706
Area Code and Phone (989) 686-4940

If the address in this box is different from the committee mailing address on the Statement of Organization, mail may be sent to this address by the filing official.

2. Committee Name

Bay City Educators Public Affairs Council-
/MEA

5. Treasurer's Name and Residential Address

Saun Strobel
11775 Downing Road

Birch Run MI 48415
Area Code and Phone

Driver License # (Optional)

6. Treasurer's Business Address

Area Code and Phone

7. Designated Record Keeper's Name and Mailing Address (If the committee has a Designated Record Keeper)

Area Code and Phone

Driver License # (Optional)

8. TYPE OF STATEMENT:

APPLICABLE TO INDEPENDENT AND POLITICAL
COMMITTEES REGISTERED ON STATE LEVEL

8a. TRIENNIAL STATEMENTS

Even Year

☐ April 25

☒ July 25

☐ October 25

Odd Year

☐ January 31

☐ July 25

☐ October 25

8b. QUARTERLY STATEMENTS
CAUCUS COMMITTEES (ONLY)

☐ January 31

☐ July 25

☐ April 25

☐ October 25

8c. ☐ SPECIAL ELECTION INDEPENDENT
EXPENDITURE REPORT

APPLICABLE TO INDEPENDENT AND
POLITICAL COMMITTEES
REGISTERED ON COUNTY LEVEL

8d. ☐ ANNUAL STATEMENT
(_____ Coverage Year)

8e. ☐ PRE-ELECTION OR

8f. ☐ POST-ELECTION

Pre-Election or Post-Election
Statement relates to:

☐ PRIMARY

☐ GENERAL

☐ CONVENTION

☐ SCHOOL

☐ SPECIAL

☐ CAUCUS

Date of Election, Convention or Caucus:

Month _____ Day _____ Year _____

APPLICABLE TO INDEPENDENT AND
POLITICAL COMMITTEES
REGISTERED ON
STATE AND COUNTY LEVEL

8g. ☒ AMENDMENT TO CAMPAIGN
STATEMENT

(Complete Item 8a, 8b, 8c, 8d, 8e, 8f or 8h to
indicate which Statement is being amended)

8h. ☐ DISSOLUTION OF COMMITTEE
Effective Date of Dissolution

Month _____ Day _____ Year _____

By checking Item 8h, I certify that the
committee has no assets or outstanding
debts, including late filing fees. Note:
The disposition of residual funds must
be reported on Schedule 2B and the
Summary Page.

A committee that does not have a Reporting Waiver must file all required Campaign Statements. The Campaign Statements must include all applicable Schedules. Direct contributions, in-kind contributions, loans, expenditures and outstanding debts count against the \$1,000 Reporting Waiver threshold. If any of the information listed in Items 2, 4, 5, 6, or 7 has changed since the information was shown on the committee's Statement of Organization, an amendment to the Statement of Organization should accompany this Campaign Statement. If a request for a Reporting Waiver is not received on or before the filing deadline of a required campaign statement, that campaign statement can not be waived.

9. Verification: I certify that all reasonable diligence was used in the preparation of this statement and attached schedules (if any) and to the best of my knowledge and belief the contents are true, accurate and complete.

Electronically Filed:

Current Treasurer or
Designated Record Keeper

Saun Strobel

Type of Print Name

Signature

Date 07/24/2008

Mo Day Year

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MICHIGAN DEPARTMENT OF STATE
Bureau of Elections

301312

ITEMIZED DIRECT EXPENDITURES
SCHEDULE 2B
INDEPENDENT OR POLITICAL COMMITTEE

1. Committee I.D. Number 001033-0

2. Committee Name Bay City Educators Public Affairs Council-
TMCA

3. Name and address of person or vendor to whom the expenditure was made	5. Candidate or Ballot Question Information	6. Date	7. Amount	8. Cumulative for Election or Election Cycle
<p>Expenditure # 1 Name <u>Bay County Democratic Party</u> Address c/o Tony Pawelski, Chairperson PO Box 556 Pinooning MI 48050 4. Purpose: <u>Tickets-Dinner Party</u> Expenditure Code: _____ Fund Raiser <input type="checkbox"/></p>	<p>5. _____ Name of Candidate _____ Office Sought & District # or Jurisdiction _____ County _____ Ballot Proposal <input type="checkbox"/> Check box if expenditure is payment of Debt or Obligation reported on previous statement</p>	05/14/2008	100.00	
<p>Expenditure # 2 Name <u>c/o Richard Doud Stupak for Congress Committee</u> Address 1121 N. Michigan Avenue Saginaw MI 48602 4. Purpose: <u>Fundraiser/Dinner tickets</u> Expenditure Code: _____ Fund Raiser <input type="checkbox"/></p>	<p>5. _____ Name of Candidate _____ Office Sought & District # or Jurisdiction _____ County _____ Ballot Proposal <input type="checkbox"/> Check box if expenditure is payment of Debt or Obligation reported on previous statement</p>	08/18/2008	500.00	

Subtotal this page
Grand Total of all Schedules 2B
(Complete on last page of Schedule)

600.00

600.00

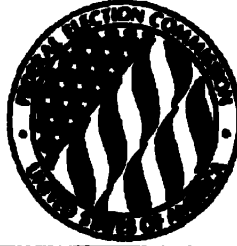
PLEASE REFER TO INSTRUCTIONS FOR LIST OF EXPENDITURE CODES

Enter this total
On Line 8a of the
Summary Page

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EXHIBIT 3



SCHEDULE A

ITEMIZED RECEIPTS Line #: 11C

Committee: STUPAK FOR CONGRESS

Contributor's Name Contributor's Address	Employer	Date	Amount (\$)
	Occupation	Memo	Aggregate (\$)
	Memo/Description	Text	Limits
ACTION COMMITTEE FOR RURAL ELECTRIFICAT 4301 Wilson Boulevard Arlington, Virginia 22203		05/05/2008	540.05
			7600.00
ACTION COMMITTEE FOR RURAL ELECTRIFICAT 4301 Wilson Boulevard Arlington, Virginia 22203		05/05/2008	859.95
			7600.00
	* In-Kind: Fundraiser		
ACTION COMMITTEE FOR RURAL ELECTRIFICAT 4301 Wilson Boulevard Arlington, Virginia 22203		05/05/2008	1600.00
			7600.00
ACTION COMMITTEE FOR RURAL ELECTRIFICAT 4301 Wilson Boulevard Arlington, Virginia 22203		06/09/2008	1000.00
			7600.00
AIR LINE PILOTS ASSOCIATION PAC 1625 Massachusetts Ave. NW 8th Floor Washington, DC 20036		06/09/2008	2500.00
			10000.00
AMERICAN ACADEMY OF NEUROLOGY PROFESSIO		05/05/2008	1000.00
			1000.00

American Rental Association PAC 1900 19TH STREET MOLINE, Illinois 61265	06/18/2008	1000.00
		2000.00
ANHEUSER-BUSCH COMPANIES INC POLITICAL ONE BUSCH PLACE ST. LOUIS, Missouri 63118	05/22/2008	1000.00
		1000.00
AT&T PAC 175 E. Houston Street Room 7-A-50 San Antonio, Texas 78205	05/19/2008	1500.00
		4000.00
Barcia For Congress P O Box 775 Bay City, Michigan 48707	06/17/2008	50.00
		50.00
BOSTON SCIENTIFIC CORPORATION POLITICAL ONE BOSTON SCIENTIFIC PLACE NATICK, Massachusetts 01760	06/30/2008	1000.00
		1000.00
BPAC Ms. Saun Strobel 509 S. Euclid Ave Bay City, Michigan 48706	06/17/2008	500.00
		500.00
BROOKE HOLDINGS INC AND JACKSON NATIONA 1 Corporate Way Lansing, Michigan 48915	06/02/2008	500.00
		1000.00
Cavaller PAC 2134 W. Laburnum Ave Richmond, Virginia 23227	05/08/2008	1000.00
		3300.00
CELLULAR TELECOMMUNICATIONS & INTERNET 1400 16th Street, NW Suite 600 WASHINGTON, DC 20036	05/19/2008	1000.00
		5000.00
Charles Brown 7 Kingsley Ct. Frankenmuth, Michigan 48734	06/17/2008	100.00
		100.00
Charter Communications Inc. PAC 1919 PENNSYLVANIA AVE NW STE 200 WASHINGTON, DC 20006	05/13/2008	1000.00
		3500.00
CISCO SYSTEMS INC FEDERAL PAC AKA CISCO 20 Park Road Suite E Burlingame, California 94010	06/16/2008	1000.00
		1000.00

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